

PHYSICIAN ASSISTANT COMMITTEE

INITIAL STATEMENT OF REASONS

Hearing Date: 17 August 2006

Subject Matter of Proposed Regulations:

(1) Section Affected: 1399.541.

Specific Purpose of each adoption, amendment, or repeal:

The existing regulation requires that all medical records of patients cared for by a physician assistant for whom the physician's prescription has been transmitted or carried out shall be reviewed, countersigned, and dated by a supervising physician within seven days.

Business and Professions Code Section 3502.1 limits this requirement to Schedule II drug orders only.

This proposal would implement this requirement by amending section 1399.541(h) to require that all drug orders carried out on behalf of a supervising physician be in compliance with provisions of subdivisions (a) – (f) of Section 3502.1 of the Business and Professions Code.

The proposed change would also eliminate duplicative language to bring Section 1399.541(h) into alignment with the provisions of Section 3502.1 of the Business and Professions Code.

Factual Basis/Rationale

AB 2626 (Plescia, Chapter 452, Statutes of 2004) effective 1 January 2005 amended section 3502.1 of the Business and Professions Code to require that the medical record of any patient cared for by the physician assistant for whom the physician's Schedule II drug order has been issued or carried out shall be reviewed, countersigned, and dated by a supervising physician within seven days.

Section 1399.541(h) is currently in conflict with Section 3502.1 of the Business and Professions Code.

This proposal would also amend Section 1399.541 (h) to require that when a physician assistant administers or provides medication to a patient, or issues or transmits a drug order orally or in writing they shall be in compliance with the provisions of subdivisions (a)-(f) inclusive of Section 3502.1 of the Business and Professions Code. The proposed change would bring Section 1399.541(h) into conformance with AB 2626.

This proposed change would also streamline Section 1399.541(h), eliminating duplicative language and bring it into alignment with Section 3502.1 of the Business and

Professions Code as required by the provisions of AB 2626.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon:

AB 2626 (Plescia, Chapter 452, Statutes of 2004)

Business Impact

This regulation will not have a significant adverse economic impact on businesses because it lessens documentation requirements. This proposal may have a beneficial impact because only drug orders issued by the physician assistant for Schedule II medications would be reviewed, countersigned, and dated by a supervising physician.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- 1) Not Amend Regulation. This alternative was rejected because AB 2626 amends section 3502.1 of the Business and Professions Code to limit the medical record review, countersignature, and dating requirement to Schedule II drugs only. Section 1399.541(h) is in conflict with Section 2502.1 of the Business and Professions Code.
- 2) Amend the regulation to eliminate the conflict with Section 3502.1 of the Business and Professions Code.

The committee determined that the latter alternative was the most feasible because it would meet the mandate of AB 2626 and ensure that the conflict between Section 1399.541(h) and Section 3502.1 is eliminated